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STATUTE OF LIMITATIONS—FUNDS IN CUSTODIA LEGIS.—In *Allstadt v. Gortner*, (Ontario High Ct. of Justice, Oct., 1899, 36 Canada L. J. 158), it held that the court is public trustee as to all moneys and securities in its hands—that such securities are *in custodia legis*, and thus tantamount to *in custodia regis*. And hence that when they are received improperly or fraudulently by persons not entitled to them, by mistake of an officer of the court, the statute of limitations has no application to the demand of the court for their return, and an order of restitution was held proper, although fourteen years had elapsed.

ATTACHMENT—NON-RESIDENT.—Defendant, a resident of West Virginia, entered the army of the United States as a volunteer for service during the war, and was out of the State, in the service of the United States, until mustered out. While so absent from the State, an attachment was sued out against him as a non-resident. Held, That in the absence of proof that he did not intend to return to the State after being mustered out, he was not a non-resident within the attachment laws.—*Lyon v. Vance* (W. Va.), 34 S. E. 761.

The decision is doubtless right. In *Haynes v. Powell*, 1 Lea (Tenn.), 347, it was held that a charge of non-residence was not supported by proof that the defendant was a soldier in the Civil War, and beyond the State, from which he was separated by hostile lines of the opposing force. To the same effect is *Clark v. Pratt*, 19 La. Ann. 102; *Contra, Dorsey v. Kyle*, 30 Md. 512; *Dorsey v. Dorsey*, 30 Md. 522 (96 Am. Dec. 633).

What absence from the State will render one amenable to the attachment laws is discussed at length in *Drake on Attachment* (7th ed.), 39-47. See also note to *Frost v. Brisbin*, 32 Am. Dec. 427-429; note to *Berry v. Wilcox*, 48 Am. St. Rep. 711-717; *Long v. Ryan*, 30 Gratt. 718; *Didier v. Patterson*, 93 Va. 541. See also elaborate note to *Munroe v. Williams* (So. Car.), 19 L. R. A. 665-668.

RAILROADS—EJECTMENT OF PASSENGER FOR NON-PAYMENT OF FARE OF CHILD.—Plaintiff, a girl fifteen years of age, boarded the defendant's car, having in charge her niece, a child of seven. She had a ticket for herself, but she had neither a ticket for her companion nor money with which to pay her fare. The conductor refused to receive her ticket without payment of fare for the child, and directed them to get off at the next station, which they did. Held, That the act of the conductor was proper, and plaintiff had no cause of action. *Warfield v. Louisville & N. R. Co.* (Tenn.), 55 S. W. 304.

On this point, the court said: "As to the proposition of law involved, we are of opinion the trial judge was correct. In Ray, Neg. 'Passenger Carriers,' p. 187, it is said, 'The failure to pay the fare of a child under the care of a passenger will authorize the expulsion of the passenger;' citing *Railroad Co. v. Hoefflich*, 62 Md. 300; *Gibson v. Railroad Co.* (C. C.), 30 Fed. 904. Hutch. Carr, sec. 567c, says, 'A person traveling with a child in his custody is liable for the payment of the child's fare, and he may be ejected with the child when he refuses to pay the fare of the latter;' citing *Railway Co. v. Dewin*, 86 Ill. 296. The reason of the rule is apparent. The road is not required to carry the child unless its fare is paid, but it would be contrary to sound policy to expel the child, and leave it alone. If the passenger brings it aboard, or has it in his custody, he becomes responsible for its fare, and the law implies a contract that he will pay it, and look after and protect the child."